IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Con.Case(C).No. 665 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.13886/2006 Dated 21/06/2006

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PETITIONER/PETITIONER:

R.DEVARAJAN, AGED 50 YEARS,
MAYAMANDIRAM, SEEMATTI JUNCTION,
KARAMKODE P.O., CHATANNOOR.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS/RESPONDENTS 3,4,5:

1. SRI. SAM JACOB,
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER),
PRESENTLY WORKING AS CHIEF ENGINEER (TRANSMISSION)
SOUTH, K.S.E.B., VAIDYUTHI BHAVAN, PATTOM P.O.,
THIRUVANANTHAPURAM.
(IIIRD RESPONDENT IN THE WPC 13886/2006)

2. SRI. C.P.FRANCIS,
(AGE & FATHER'S NAME NOT KNOWN), PRESENTLY
WORKING AS EXECUTIVE ENGINEER, K.S.E.B.ELECTRICAL
SECTION, CHATHANNOOR, CHATHANNOOR P.O.,
KOLLAM DISTRICT. (VTH RESPONDENT IN THE
WPC 13886 OF 2006).

3. SRI. SASIDHARAN,
(AGE & FATHER'S NAME NOT KNOWN), PRESENTLY
WORKING IN CHARGE OF ASST. ENGINEER, K.S.E.B.,
ELECTRICAL SECTION, CHATHANNOOR P.O.,
KOLLAM DISTRICT.
(IVTH RESPONDENT IN THE WPC 13886 OF 2006).

ADDL 4. ADDITIONAL DISTRICT MAGISTRATE, KOLLAM
(IMPLEADED AS PER JUDGMENT DT.04.09.07)

BY ADV. SRI.K.S.ANIL, SC, KSEB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.C.C. No. 665 OF 2007

Dated this the 4th day of September, 2007

JUDGMENT

Additional District Magistrate, Kollam is impleaded suo motu as additional 4th respondent in the Contempt Case. Registry will carry out corrections in the cause title.

2. A detailed counter affidavit has been filed by the Electricity Board to which a reply affidavit has been filed by the petitioner. Learned Standing Counsel for the Electricity Board submits that pursuant to Annexure A2 judgment the petitioner pointed out four alternate sites. Of those four sites, three sits were not technically feasible. But as regards the 4th site which was technically feasible, objections were raised by certain persons and thus the matter has been referred to the Additional District Magistrate, Kollam. Proceeding No.M4-28117/06 is now pending before the Additional District Magistrate, Kollam and recently the proceedings stood posted on 10.07.07 from which date it has been adjourned.

Under these circumstances, I am of the view that it will not be proper to initiate action for Contempt against the respondents now. I dispose of the Contempt Case issuing the following directions:

The additional 4th respondent is directed to dispose of the

proceedings in accordance with law at the earliest and at any rate within two months of receiving a copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

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